

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of )  
 )  
Amendment of Section 73.202(b) )  
Table of Allotments, )  
FM Broadcast Stations, )  
(Walla Walla, Washington and )  
Hermiston, Oregon )

MM Docket No. 97-246  
RM-9205

**COMMENTS AND COUNTERPROPOSAL TO NOTICE OF PROPOSED RULEMAKING  
AND ORDER TO SHOW CAUSE**

To: Chief, Allocations Branch

Palouse Country, Inc., ("Palouse"), the licensee of Station KZZL(FM), Pullman, Washington, through its counsel respectfully submits its Comments in the above referenced proceeding. In support the following is shown:

Palouse is licensed to operate Station KZZL(FM), a Class C-1 facility which is licensed to Pullman, Washington and operates on 99.5 mHz (Ch. 258C-1). In the above proceeding, Mark Jacky Broadcasting ("Petitioner"), the permittee of Station KUJ-FM, seeks to substitute Channel 256C-2 for Channel 256C-3, at Walla Walla, Washington. Petitioner asserts that the upgraded frequency would allow it to expand its proposed service area.

In response to Petitioner's proposal Palouse requests that the Commission amend its Table of Allotments to substitute a full Channel 258C to Pullman instead of Channel 258C-1. Because of spacing requirements set forth under §73.207 of the Commission Rules this counterproposal necessarily conflicts with Petitioner's

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proposed use of Channel 256C-2. However, as demonstrated in the attached engineering exhibit the Palouse counterproposal is clearly superior to Petitioner's proposal as it would introduce first and second aural service to a significant area. See Revision of FM Assignment Policies and Procedures, 90 FCC 2d 88 92 (1982).

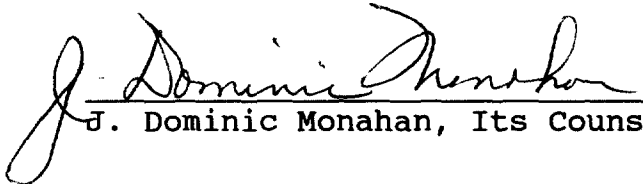
The attached engineering shows that the Petitioner's proposal would only expand service in a market already served by at least five aural services. Even without considering AM services, the KUJ-FM proposal would add only a sixth service to an area awash with a plethora of existing service.

On the other hand Palouse's counterproposal will provide first aural service to some 662 square kilometers and some 919 people currently residing outside any service area. In addition the Palouse proposal will provide a second service to 1031 square kilometers and another 167 persons. Overall the Palouse proposal will provide 5th service or better to almost 2500 square kilometers and over 2300 persons. (See attached engineering). Commission precedent clearly favors first and second aural service over the expansion of existing service. See Benton, Arkansas, et al., 2 FCC Rcd 1963 (1982) and 3 FCC Rcd 4840 (1988).

In the event Palouse's counterproposal is adopted by the Commission, Palouse will take such steps as are necessary to file the appropriate application to pursue the upgrade to this frequency.

Respectfully submitted,

PALOUSE COUNTRY, INC.

  
J. Dominic Monahan, Its Counsel

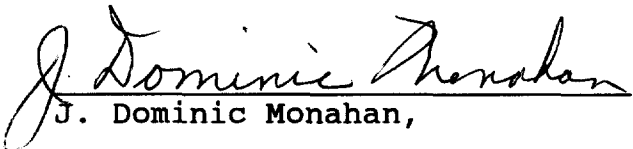
February 7, 1998

Luvass, Cobb Richards & Fraser  
Suite 300  
777 High Street  
Eugene, Oregon 97401  
541-484-9292

**CERTIFICATE OF SERVICE**

I, J. Dominic Monahan, certify that I have on this 7th day of February, 1998, sent by First Class Mail, postage prepaid, on behalf of Palouse Country, Inc. copies of the foregoing Comments and Counterproposal to Notice of Proposed Rulemaking and Order to Show Cause to:

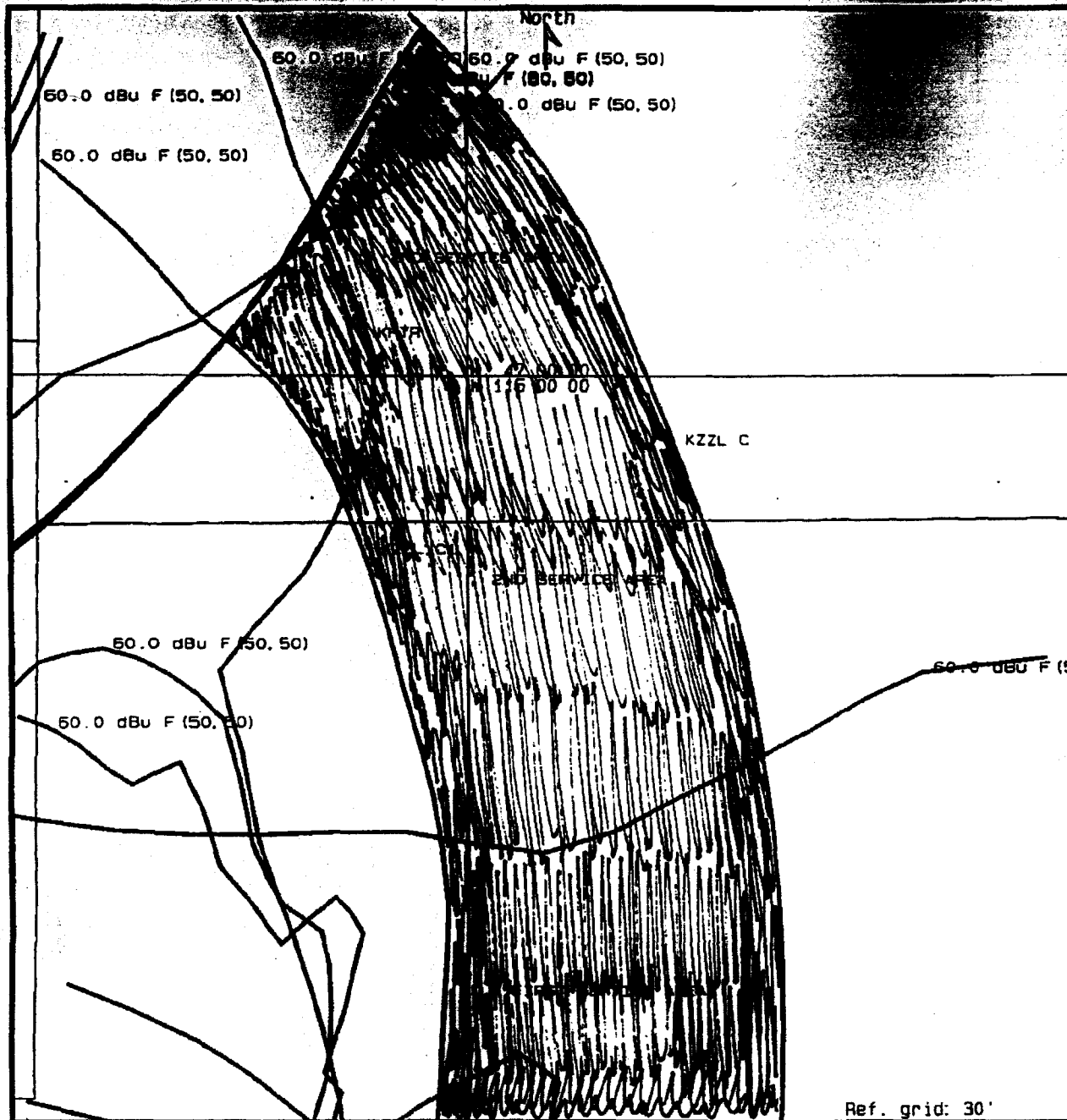
Robert Lewis Thompson, Esquire  
Taylor, Thiemann & Aitken, L.C.  
908 King Street, Suite 300  
Alexandria, Virginia 22314  
(Counsel for Petitioner)

  
J. Dominic Monahan,

Counsel to Palouse Country, Inc.

NEW SERVICE AREA AND POPULATION  
KZZL C

	AREA sq km	POPULATION	
First Service West Side	167	57	
First Service East Side	495	862	
Total First Service	<u>        </u> 662	<u>        </u> 919	
Second Service West Side	145	19	
Second Service East Side	886	148	
Total Second Service	<u>        </u> 1031	<u>        </u> 167	
5 <sup>th</sup> or better Service West Side	754	176	
5 <sup>th</sup> or better Service East Side	1742		2132
Total 5 <sup>th</sup> or better Service	<u>        </u> 2496	<u>        </u> 2308	
PRESENT CLASS C1	16,262		
PROPOSED CLASS C	26,460	15,5352	132,516
TOTAL IMPROVEMENT	10,198	22,836	



FMSR(tm):eastkzzl

Propagation model: FCC-FCC  
 Time: 50.00% Loc: 50.00% Margin: .0 dB  
 Climate: Continental Temperate  
 Gndcvr: None  
 Atm. factor: None  
 K Factor: 1.333  
 RX Antenna: Omni  
 Height: 1.8 mtrs AGL Gain: .0 dBd

Field strength (at remote)

60.0 dBuV/m

Minimum threshold level: -150.0 dBmW

Site	Ant Elv AMSL (mtrs)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KOWK	979.0	46.99	OM-H	N 47 28 27.00
grp: 1	97.5000 MHz			W115 54 49.00
KSIL	1944.0	49.14	OM-H	N 47 33 44.00
grp: 2	100.7000 MHz			W115 50 33.00
KORTFW	1889.0	25.56	OM-H	N 45 51 48.00
grp: 2	92.7000 MHz			W116 7 24.01
NEW	2257.0	33.71	OM-H	N 45 45 53.00
grp: 2	106.7000 MHz			W116 11 52.00
KLERFW	925.0	33.62	OM-H	N 46 28 9.00
grp: 2	95.3000 MHz			W116 16 40.00
NEW	905.0	32.79	OM-H	N 46 30 29.00
grp: 2	98.5000 MHz			W116 13 7.01

Not enough room for sites - see TX\_SITE.LOG



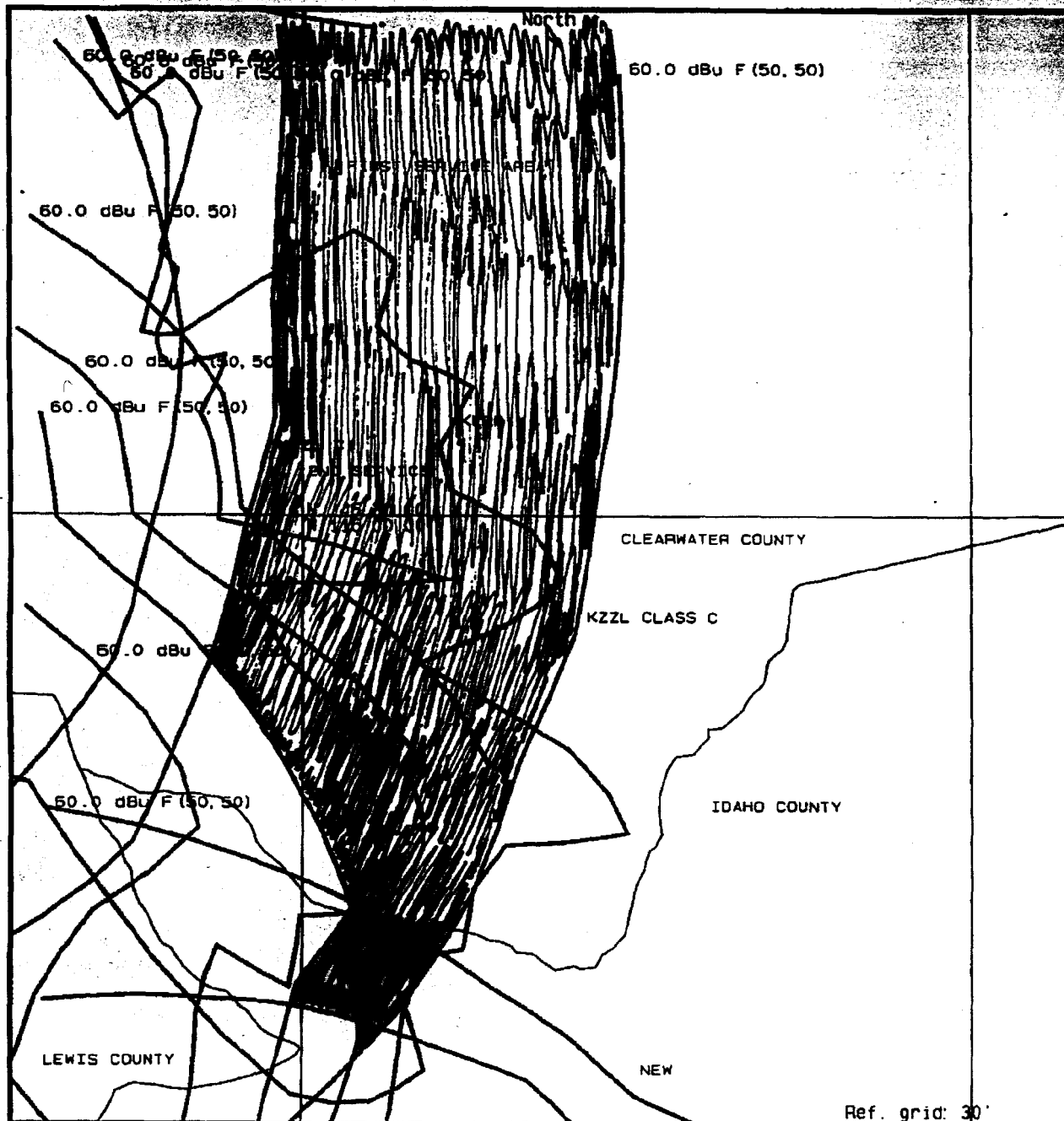
KZZL CLASS C SERVICE

Palouse Country Inc.

Ref. grid: 30'

960901

Figure 1



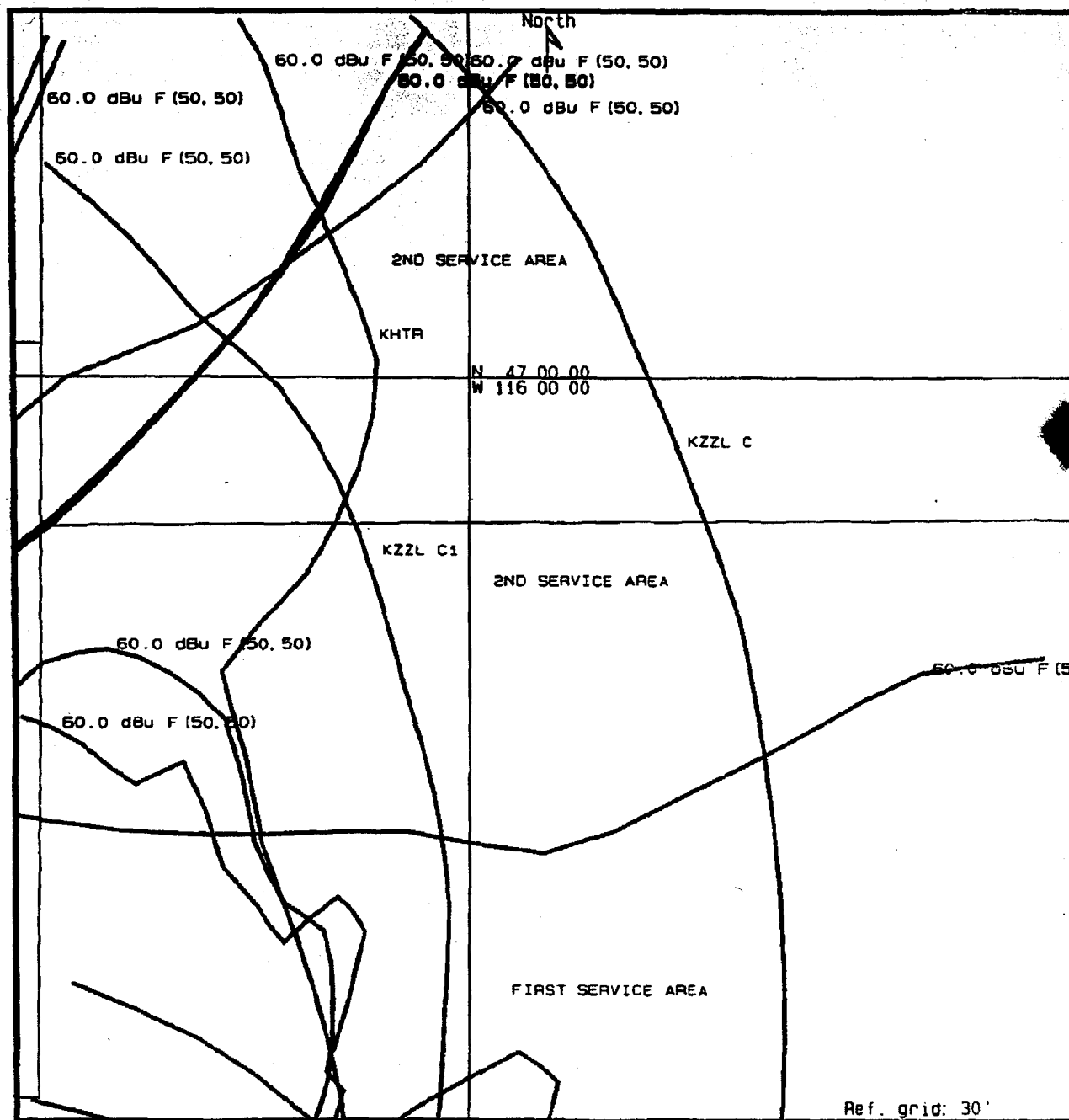
FNSR(tm):eastkzzl  
 Propagation model: FCC-FCC  
 Time: 50.00% Loc: 50.00% Margin: .0 dB  
 Climate: Continental Temperate  
 Gndcvt: None  
 Atm. factor: None  
 K Factor: 1.333  
 RX Antenna: Omni  
 Height: 1.8 mtrs AGL Gain: .0 dBd

Field strength (at remote)  
 60.0 dBuV/m  
 Minimum threshold level: -150.0 dBmW

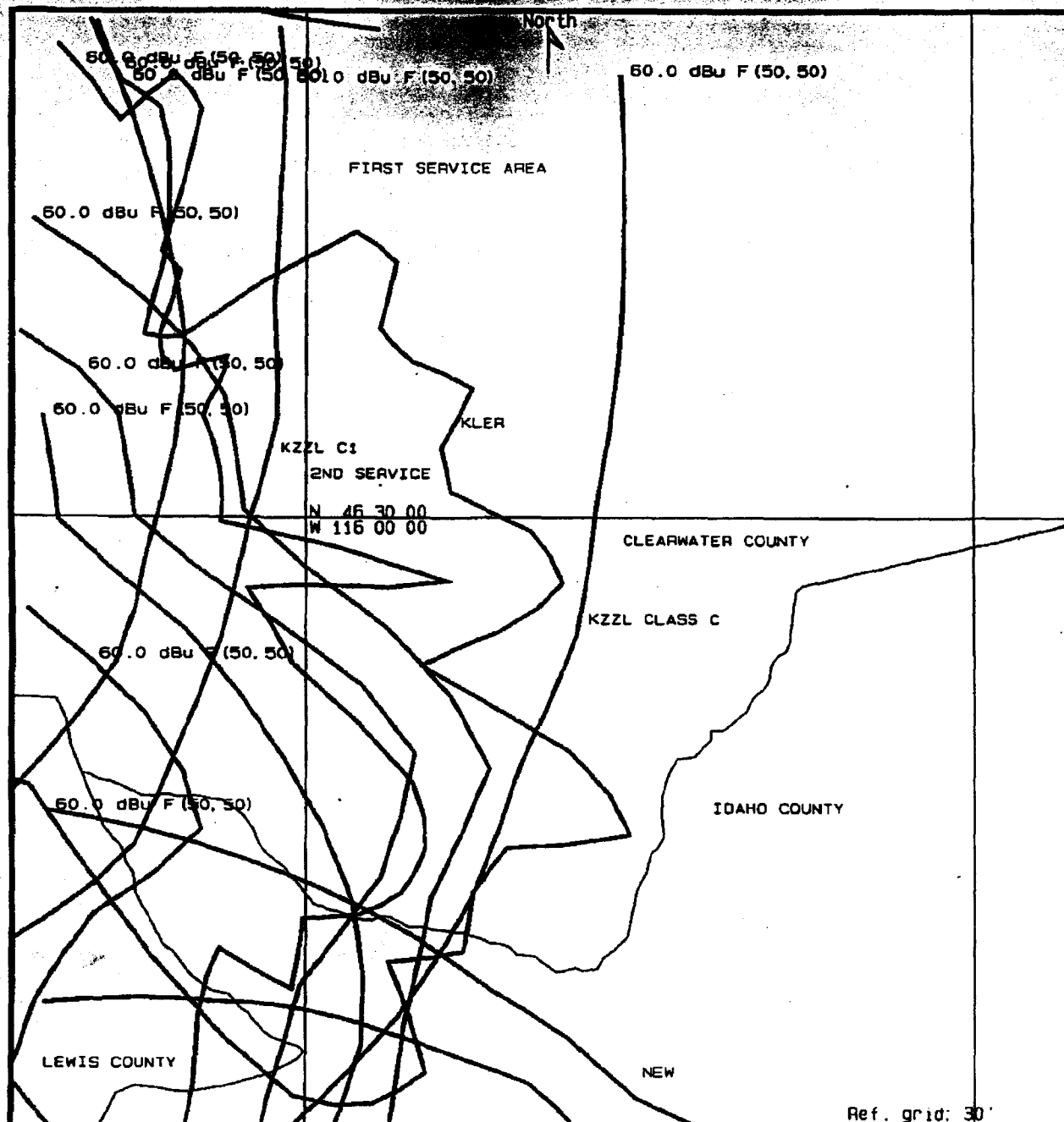
Site	Ant Elv AMSL (mtrs)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KQMK	979.0	46.99	OM-H	N 47 28 27.00
grp: 1	97.5000 MHz			W115 54 49.00
KSIL	1944.0	49.14	OM-H	N 47 33 44.00
grp: 2	100.7000 MHz			W115 50 33.00
KORTFN	1889.0	25.56	OM-H	N 45 51 48.00
grp: 2	92.7000 MHz			W116 7 24.01
NEW	2257.0	33.71	OM-H	N 45 45 53.00
grp: 2	106.7000 MHz			W116 11 52.00
KLERFN	925.0	33.62	OM-H	N 46 28 9.00
grp: 2	95.3000 MHz			W116 16 40.00
NEW	905.0	32.79	OM-H	N 46 30 29.00
grp: 2	98.5000 MHz			W116 13 7.01

Not enough room for sites - see TX\_SITE.LOG  
 KILOMETERS  
 5 0 5 10 15  
 KZZL CLASS C SERVICE  
 Palouse Country Inc.  
 960901 Figure 1

Ref. grid: 30'







FMSR (tm): eastkzzl

Propagation model: FCC-FCC

Time: 50.00% Loc: 50.00% Margin: .0 dB

Climate: Continental Temperate

Gndcvt: None

Atm. factor: None

K Factor: 1.333

RX Antenna: Omni

Height: 1.8 mtrs AGL Gain: .0 dBd

Field strength (at remote)

60.0 dBuV/m

Minimum threshold level: -150.0 dBm

Site	Ant Elv AMSL (mtrs)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KQWK	979.0	46.99	OM-H	N 47 28 27.00
grp: 1	97.5000 MHz			W115 54 49.00
KSIL	1944.0	49.14	OM-H	N 47 33 44.00
grp: 2	100.7000 MHz			W115 50 33.00
KORTFM	1889.0	25.56	OM-H	N 45 51 48.00
grp: 2	92.7000 MHz			W116 7 24.01
NEW	2257.0	33.71	OM-H	N 45 45 53.00
grp: 2	106.7000 MHz			W116 11 52.00
KLERFM	925.0	33.62	OM-H	N 46 28 9.00
grp: 2	95.3000 MHz			W116 16 40.00
NEW	905.0	32.79	OM-H	N 46 30 29.00
grp: 2	98.5000 MHz			W116 13 7.01

Not enough room for sites - see TX\_SITE.LOG



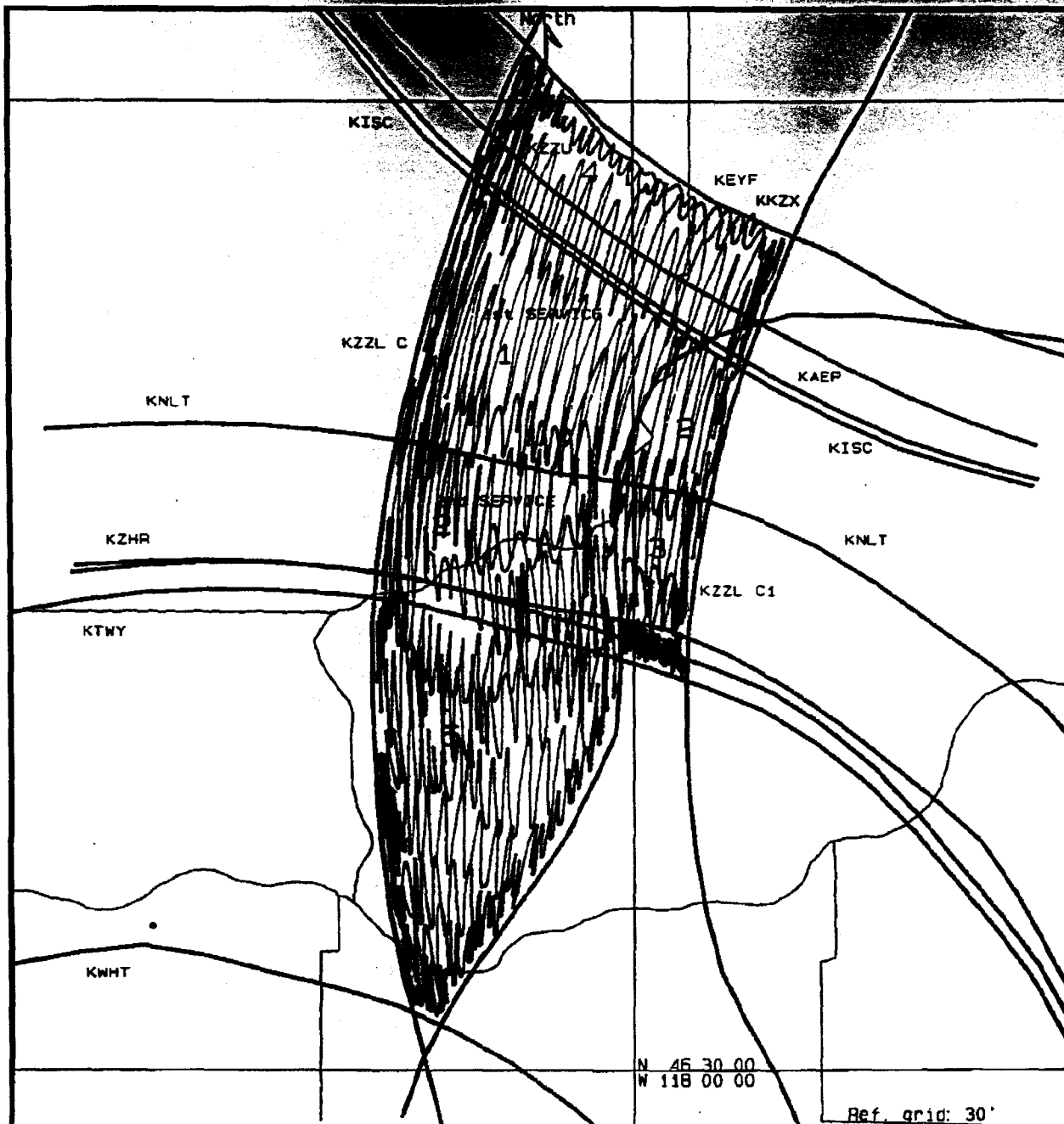
KZZL CLASS C SERVICE

Palouse Country Inc.

960901

Figure 1

Ref. grid: 30



FNSR (tm): westKZZL

Propagation model: FCC-FCC  
 Time: 50.00% Loc: 50.00% Margin: .0 dB  
 Climate: Continental Temperate  
 Gndcvt: None  
 Atm. factor: None  
 K Factor: 1.333  
 RX Antenna: Omni  
 Height: 1.8 mtrs AGL Gain: .0 dBd

Field strength (at remote)

60.0 dBuV/m

Minimum threshold level: -150.0 dBmW

Site	Ant Elv AMSL (mtrs)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KZZL FM	1169.1	49.08	OM-H	N 46 40 52.00
grp: 2	99.5000 MHz			W116 58 19.01
KCLK FM	969.0	50.00	OM-H	N 46 27 27.00
grp: 2	94.1000 MHz			W117 6 2.99
KZZU FM	1335.0	49.29	OM-H	N 47 35 42.00
grp: 2	92.9000 MHz			W117 17 53.01
KISC	1339.0	49.73	OM-H	N 47 34 53.01
grp: 2	98.1000 MHz			W117 17 46.99
KKZX	1196.0	50.00	OM-H	N 47 35 35.00
grp: 2	98.9000 MHz			W117 17 46.00
KEYF FM	1196.0	50.00	OM-H	N 47 35 35.00
grp: 2	101.1000 MHz			W117 17 46.00

Not enough room for sites - see TX\_SITE.LOG

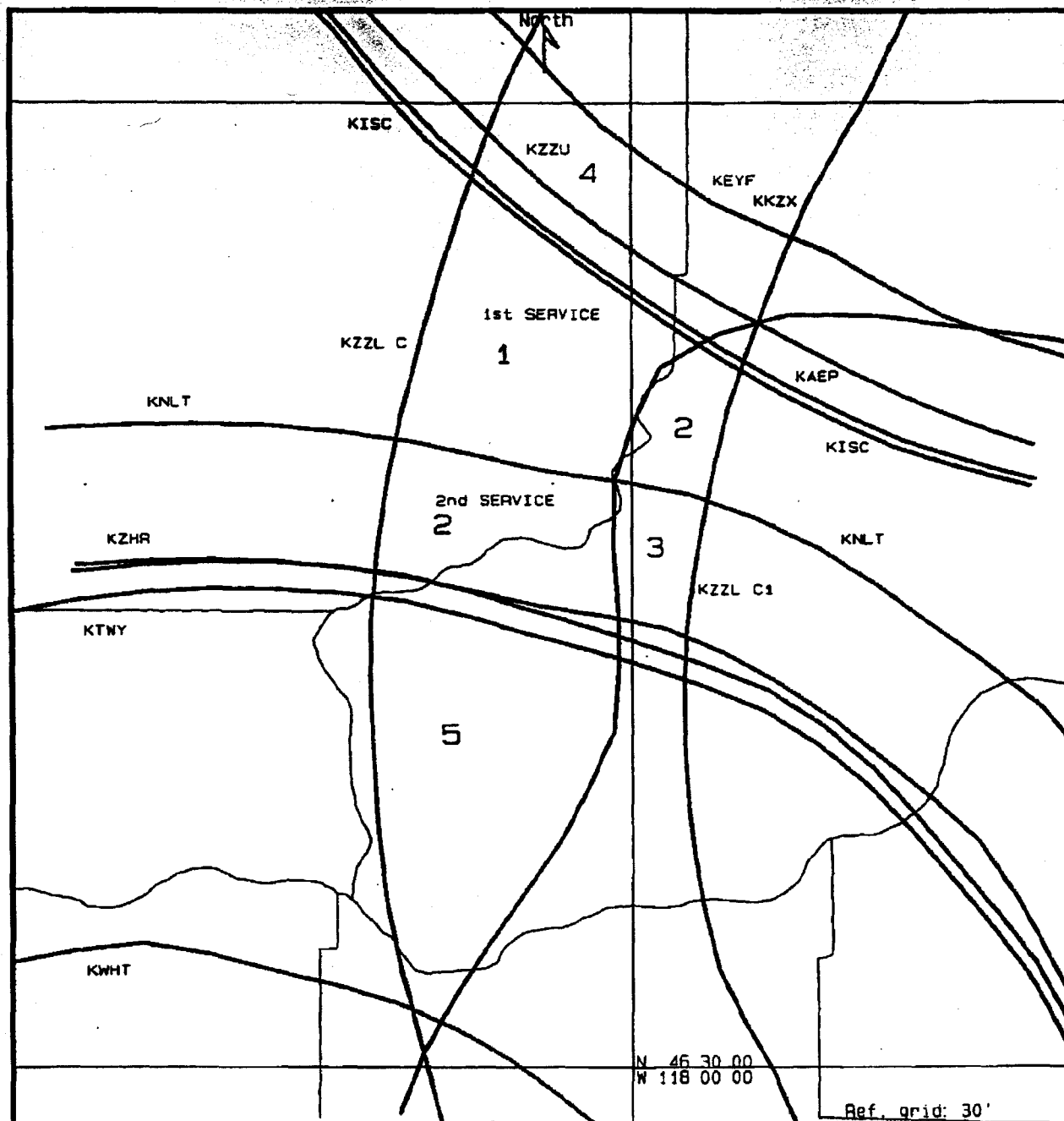


KZZL CLASS C SERVICE

Palouse Country Inc.

960901

Figure 1



FMSR (tm): westKZZL

Propagation model: FCC-FCC  
 Time: 50.00% Loc: 50.00% Margin: .0 dB  
 Climate: Continental Temperate  
 Gndcvr: None  
 Atm. factor: None  
 K Factor: 1.333  
 RX Antenna: Omni  
 Height: 1.8 mtrs AGL Gain: .0 dBd

Field strength (at remote)

60.0 dBuV/m

Minimum threshold level: -150.0 dBmW

Site	Ant Elv AMSL (mtrs)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KZZLFM	1169.1	49.08	OM-H	N 46 40 52.00
grp: 2	99.5000 MHz			W116 58 19.01
KCLKFM	969.0	50.00	OM-H	N 46 27 27.00
grp: 2	94.1000 MHz			W117 6 2.99
KZZUFM	1335.0	49.29	OM-H	N 47 35 42.00
grp: 2	92.9000 MHz			W117 17 53.01
KISC	1339.0	49.73	OM-H	N 47 34 53.01
grp: 2	98.1000 MHz			W117 17 46.99
KKZX	1196.0	50.00	OM-H	N 47 35 35.00
grp: 2	98.9000 MHz			W117 17 46.00
KEYFFM	1196.0	50.00	OM-H	N 47 35 35.00
grp: 2	101.1000 MHz			W117 17 46.00

Not enough room for sites - see TX\_SITE.LOG



KZZL CLASS C SERVICE

Palouse Country Inc.

960901

Figure 1

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## FM CHANNEL SPACING STUDY

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Job title: KZZL CLASS C

Channel: 258C

Database file name: c:\fm010698.FCC

Latitude: N 46 40 29.00

Longitude: W 116 58 19.00

Pre-1989 Class A spacings?: N  
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
258C1	KZZLFM	22774	Pullman	WA	LIC	.0	.7	270.0	-269.3
258A		22823	Yahk	BC	LIC	13.3	275.4	259.0	16.4
205A	KLHSFM	23134	Lewiston	ID	LIC	186.4	29.5	29.0	15
204A	KAGU	23167	Spokane	WA	LIC	343.8	115.2	29.0	
255C	KKZX	23189	Spokane	WA	APP	346.6	105.0	105.0	.0
255C	KKZX	23191	Spokane	WA	LIC	346.6	105.0	105.0	.0
260C	KXLYFM	23193	Spokane	WA	LIC	355.7	139.0	105.0	
256C2	KUJFM	23524	Walla Walla	WA	ADD	231.2	119.9	105.0	14.9
256C3	KUJFM	23525	Walla Walla	WA	CP MOD	231.2	119.9	96.0	23.9
256C3	KUJFM	23526	Walla Walla	WA	DEL	231.2	119.9	96.0	23.9
260C1	KWRL	23530	La Grande	OR	LIC	206.5	180.6	105.0	
258A		23551	Midway	BC	LIC	332.9	292.7	259.0	
257A	KQFM	23864	Hermiston	OR	LIC	244.3	201.6	165.0	
257A	KQFM	23865	Hermiston	OR	DEL	244.3	201.6	165.0	
258A	KQFM	23867	Hermiston	OR	ADD	244.3	201.6	226.0	-24.4
257A	KBSNFM	23931	Moses Lake	WA	LIC	285.8	183.3	165.0	18.3
259C3	KHHK	24357	Yakima	WA	LIC	267.8	266.9	176.0	
258A	KXAA	24395	Rock Island	WA	LIC	288.6	264.0	226.0	
258A	KXAA	24397	Rock Island	WA	LIC	288.6	264.0	226.0	

\*\*\*\*\* End of channel 258 study \*\*\*\*\*

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## FM STATION DATA SEARCH

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Job title: KUJFM SERVICE

Latitude: N 45 59 38.00

Channels searched: 221 - 300

Radius: 10.0 km

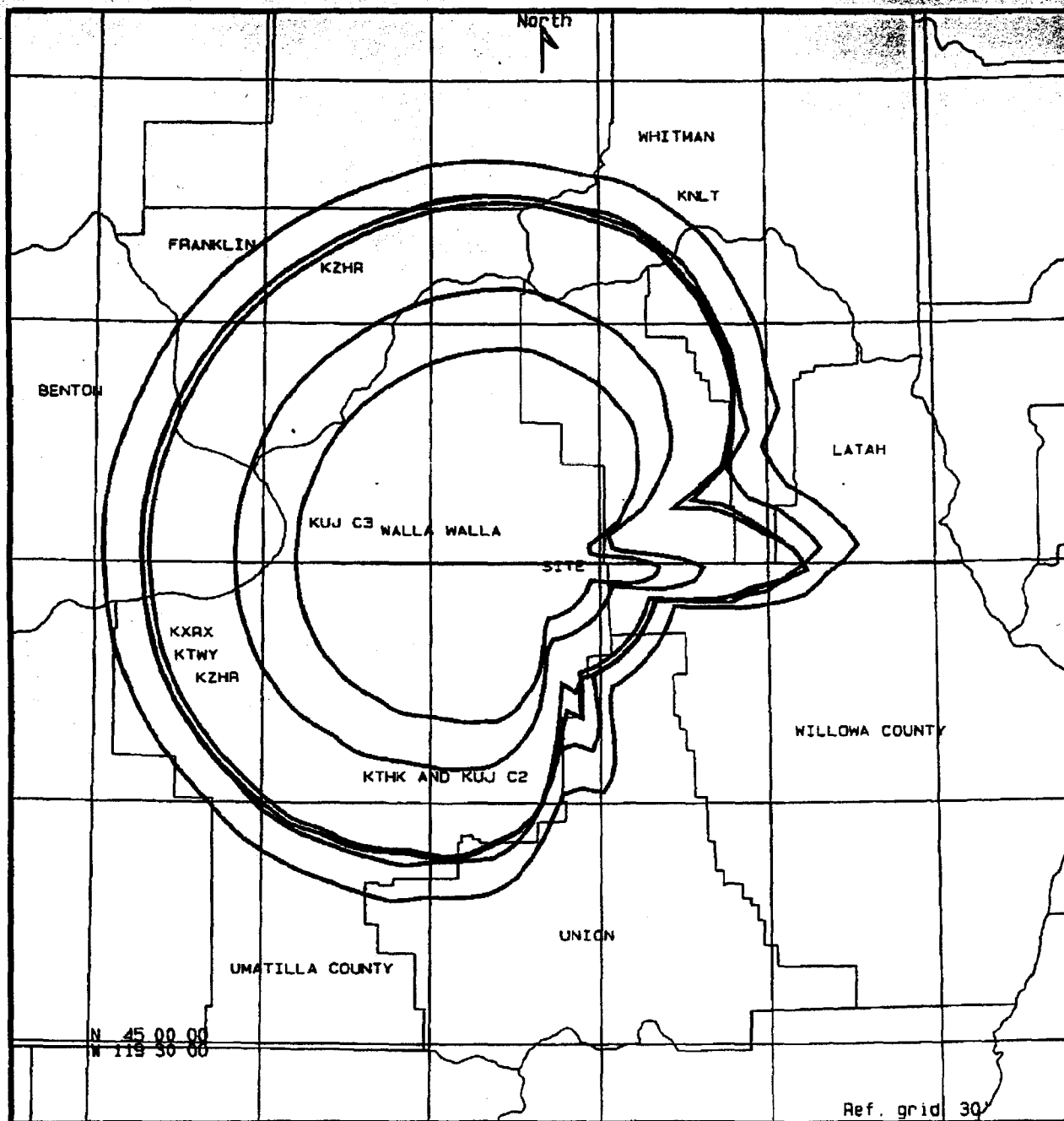
Longitude: W 118 10 47.00

Database file name: c:\FM010698.FCC

CH	Call	City	ST	Status	Bear.	Dist.	Record
1	223C1	KZHR	Dayton	WA	LIC	145.2	.7 23511
2	227C1	KTWY	Walla Walla	WA	LIC	145.2	.7 23513
3	239C	KNLT	Walla Walla	WA	LIC	141.4	1.3 23516
4	246C	KXRX	Walla Walla	WA	LIC	141.4	1.3 23517
5	250C2	KTHK	Milton-Freewater	OR	LIC	.0	.0 23520
6	256C2	PRM	Walla Walla	WA	ADD	.0	.0 23524
	256C3	KUJFM	Walla Walla	WA	CP MOD	.0	.0 23525
	264C3	KHSS	Walla Walla	WA	CP	141.4	1.3 23532

There are 5 existing licensed facilities at the KUJ-FM site. All existing facilities meet or exceed the proposed KUJ-FM service contours. KUJ-FM would be the 6th service at best in all areas. No further analysis of the KUJ-FM service proposal was deemed necessary.

William R. Gott



FMSR (tm): KUJWALLA

Propagation model: FCC-FCC

Time: 50.00% Loc: 50.00% Margin: .0 dB

Climate: Continental Temperate

Gndcvr: None

Atm. factor: None

K Factor: 1.333

RX Antenna: Omni

Height: 1.8 mtrs AGL Gain: .0 dBd

Field strength (at remote)

60.0 dBuV/m

Minimum threshold level: -150.0 dBmW

Site	Ant Elv AMSL (mtrs)	ERPd (dBW)	Ant. Type /Orient.	Coordinates
KZHR	1137.0	47.32	OM-H	N 45 59 18.99
grp: 2	92.5000 MHz			W118 10 28.01
KTWY	1153.0	46.23	OM-H	N 45 59 18.99
grp: 2	93.3000 MHz			W118 10 28.01
KNLT	1221.0	50.00	OM-H	N 45 59 4.00
grp: 2	95.7000 MHz			W118 10 8.01
KXRX	1199.0	46.99	OM-H	N 45 59 4.00
grp: 2	97.1000 MHz			W118 10 8.01
KTHK	1072.0	39.03	OM-H	N 45 59 38.00
grp: 2	97.9000 MHz			W118 10 47.01
KUJFW	* 1076.0	33.01	OM-H	N 45 59 38.00
grp: 2	99.1000 MHz			W118 10 47.01

KILOMETERS  
20 0 20 40 60

KUJ SERVICE

Palouse Country Inc.

960901

Figure 1

Ref. grid 30

## ENGINEERING STATEMENT

William R. Gott says that he is the engineer for and part owner of KZZL FM, channel 258C1 Pullman, Washington. That he has been working as a Broadcast Engineer for more than 25 years and that his qualifications are a matter of record with the commission.

That he has performed the study attached showing first service from the proposed upgrade of channel 258C1 Pullman, WA to channel 258C. The study was performed using 3 second terrain data and licensed or proposed maximum facilities and HAAT values. The study found under served areas to the East and West of the present KZZL site. Population counts are based on the measured under served areas as shown on the study maps and 1990 US census data.

AM radio service was also studied and no 5 mV/m contours were found to service the under served areas.

A similar study was performed for the proposed KUJ-FM upgrade allocation and no improvement better than 6th service was found.



William R. Gott  
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P.O. Box 8  
Colfax WA 99111  
509 397 9080